

256 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SMRITI
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CRM-M-49162-2018

Date of decision: 04.03.2020.

Harpal Singh @ Pal & Anr

... Petitioners

vs.

State of Punjab and Anr

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arshdeep Singh Brar, Advocate, for the petitioners

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Karan Jindal, Advocate, for respondent No.2.

VIVEK PURI, J. (ORAL)

Precisely, FIR No. 25 dated 21.03.2015 under Sections 452/323/34 IPC has been registered at Police Station Sadar Moga, on the allegations that petitioners had been scuffling with respondent No.2 and petitioner No.2 had inflicted stick blow on her back.

Mr. Karan Jindal, Advocate has put in appearance on behalf of respondent No.2 and filed his vakalatnama.

It has been stated that a compromise has been effected between the parties. It has been further stated that a sum of ₹15,000/-, as directed in terms of order dated 22.05.2019, has already been deposited with Welfare Centre for Persons with Speech and Hearing Impairment. The deposit was made online and the copy of the receipt has been placed on record. Petitioner No.2 is the daughter-in-law of respondent No.2.

On 02.11.2018, notice of motion was issued and parties were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise arrived at between them.

Pursuant to above-said order dated 02.11.2018, report has been received from the Additional Chief Judicial Magistrate, Moga and relevant portion whereof reads as under:-

“Complainant Gurcharan Kaur wife of Ajit Singh has suffered statement that she has compromised the matter with the accused with the intervention of respectables. She has compromised the matter

voluntarily, without any coercion or undue influence with her own sweet will. She has no objection if the accused are acquitted in this case.

Similarly, accused persons namely Shallu Kaur and Harpal Singh have suffered their separate statements that they have compromised the matter with the complainant. The compromise between them has been effected with the intervention of respectables and they have compromised the matter voluntarily, without any coercion or undue influence, with their own sweet will.

From the statements of parties, it is manifest that compromise arrived at between the parties is genuine, voluntary and a result of their own free will without any pressure, coercion or undue influence from any quarter. The compromise has been arrived at with an aim to put an end to the ensuing rivalry between the parties. It may further be pertinent to add here that only two persons namely Shallu Kaur and Harpal Singh have been arrayed as accused in the present FIR bearing no.25 of 21.03.2015 PS Sadar Moga and none of the accused is declared proclaimed offender in the present case.”

In view of said circumstances and following the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab and others 2007(3) R.C.R. (Criminal) 1052***, the present petition is allowed and FIR No. 25 dated 21.03.2015 under Sections 452/323/34 IPC registered at Police Station Sadar, Moga and all the consequential proceedings having arisen therefrom are hereby quashed qua the petitioners.

(VIVEK PURI)
JUDGE

04.03.2020.
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No